

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **NAPIER-CLARK, Judith**

Attorney Docket No. **1025-P03634US00**

Application No. 10/536,673

Group Art Unit: **2618**

Filed: **05/27/2005**

Examiner: **Chow, Charles**

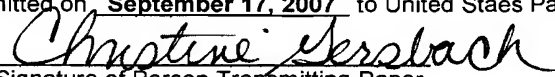
For: **PERSONAL COMMUNICATIONS
AND COSMETICS APPARATUS**

Confirmation No: **4623**

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being transmitted on **September 17, 2007** to United States Patent and Trademark Office.

Christine Gersbach
Typed Name of Person Mailing Paper


Signature of Person Transmitting Paper


Computation of Additional Fee for Amendment

[☒] No Additional Fee is required. In the event there is a charge, the Commissioner is authorized to charge the appropriate fee to the deposit account of the undersigned attorneys, **Deposit Account No. 04-1406**. A duplicate copy of this sheet is enclosed.

The fee has been calculated as shown below:

CLAIMS AS AMENDED				*SMALL ENTITY		OTHER THAN A SMALL ENTITY	
FOR	CLAIMS AFTER AMDT.	CLAIMS PAID FOR	NUMBER EXTRA	RATE	FEE	RATE	FEE
EFFECTIVE TOTAL CLAIMS	11	20	0	\$ 25		\$ 50	
IND. CLAIMS	3	3	0	100		200	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS?				180		360	
PETITION FEE FOR EXTENSION						\$	
				TOTAL		TOTAL	\$

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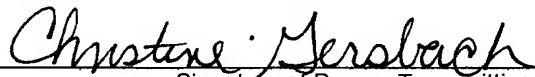
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AMENDMENT

In response to the Official Communication dated June 15, 2007, please amend the above-entitled application as follows.

Amend the specification as set forth in **Attachment E-1**.

Amend the claims as set forth in **Attachment E-2**.

REMARKS

The claims have been amended to more specifically define the novel aspects of Applicant's invention.

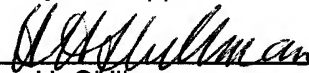
The specification has been amended to provide verbal antecedents for the terms included in the amended claims.

With the foregoing amendments, it is believed that the application now is in condition for allowance on the reasons set forth in **Attachment E-3**.

Early and favorable reconsideration leading prompt passage of the case to issue is respectfully requested.

Respectfully requested,

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Enc: Attachments E-1, E-2, and E-3

Further Amend the following paragraph as indicated:

Paragraph [0038]

at Page 9 lines 6-16.

4) A user can hold the apparatus in one hand and, with the other hand, remove and immediately use any stored cosmetics product without the need to remove a removable cap or lid from the removed cosmetics product and temporarily store it. At least some of the cosmetics products have exposed, uncapped "sticks" of cosmetics material. The walls of cavities in which these cosmetics products are stored themselves provide "caps" or "tops" for the products. On removal of such a cosmetics product from its cavity the exposed end of the stick of cosmetics material can be applied directly to the face of a user. It is noted that the base unit 2 has laterally-opposed right and left side walls. Some of the cavities 17a-f are positioned in the right side wall of the base and the remaining cavities in the left side wall of the base, so that the user may store the most-used "sticks" in the side wall of the base 2 which is most readily accessible to the dominant hand of the user which is free when the other hand is holding the phone unit 3 or the base 2. In like manner the base unit 21 has cavities for receiving the cosmetic products 18a-f distributed between the laterally-opposed side walls of the base 21. As in the first embodiment, the user may select the "stick" which she desires to be readily accessible to her dominant free hand when the other hand is holding the phone unit 22 which may or may not be attached to the base unit 21. It should be noted that in both embodiments, two of the cavities in the right wall are identical to the two cavities in the left wall to permit the user to select between the opposite walls for stowage of the accessible "stick". The identical cavities have internal configurations providing a secure fit and a secure closure for the same cosmetic product case.

ARGUMENTS FOR ALLOWABILITY

Claims 1, 7 and 12 have been amended to include the subject matter of claims 15, 16 and 14 respectively. These claims have been further amended to more clearly define the term "identical". The bases for the amendments are found in paragraphs [0032], [0033] and [0038].

The present invention is directed to a novel combination cell phone and cosmetic case which allows the user to position the cosmetics within the case so as to facilitate use of the cosmetics while using at the same time the cell phone. The amended claims define a unit which is designed to enable the user to place cosmetics in the particular side wall of the base which is most readily accessible to her dominant hand which she uses for applying the cosmetics. The user is therefore free to hold the cell phone or the base in the non-dominant hand. The claimed arrangement allows the user to select the desired cosmetics with her dominant hand. Thus, the present invention is usable by either a right-handed or a left-handed user.

Claims 14-16 were rejected as being indefinite and as readable on Carlino and Goodring. The amendments overcome the indefiniteness and distinguish Applicant's invention from the prior art.

The Carlino patent does not teach or suggest sidewalls for a base unit having at least two identical cavities as required by claims 1, 7 and 12 and the Goodring patent does not teach or suggest identical cavities, as now defined in these claims. Thus, the Goodring patent does not cure the deficiencies of the Carlino patent. The cited references do not teach the structure recited in claims 1, 7 and 12, namely a base with two of the cavities being on one side being identical to two of the cavities on the other side. The claimed construction permits the user to exchange the same cosmetic products between the cavities on the opposite sidewalls of the base. None of the references teaches or suggests the desirability of permitting the user to move the cosmetic "sticks" from one side of the base to the other. For this reason, claims 1, 7 and 12 are believed properly patentable to Applicant, along with the claims dependent thereon..

Early and favorable reconsideration is respectfully requested.

Pease Amend the Claims as follows:

1. (Currently amended) A portable personal communications and cosmetics apparatus comprising a base unit having two laterally opposed side walls, each with a plurality of cavities therein for receiving at least two removable cases of cosmetics products and a separate mobile phone unit mounted on the base unit, two of said cavities in one of said laterally opposed side walls being identical to two of said cavities in the opposite laterally opposed side wall, said identical cavities having internal configurations providing a secure fit and a secure closure for the same cosmetic product case ..

2. (Original) An apparatus according to claim 1, in which said mobile phone unit is detachably mounted on the base unit.

3. (Original) An apparatus according to claim 2, further comprising a top unit for carrying further cosmetics products.

4. (Previously amended) An apparatus according to claim 3, in which the top unit is detachably mountable on either the base unit or the mobile phone unit.

5. (Original) An apparatus according to claim 2, including a fascia device detachably mountable on the mobile phone unit when the latter is detached from the base unit.

6. (Canceled)

7. (Currently amended) A portable personal communications and cosmetics apparatus comprising a base unit, a cosmetics carrier for cosmetics products comprising a tray slidable in the base unit carried by the base unit and movable relative thereto between an open position for accessing the cosmetics products and a closed position, and a separate mobile phone unit mounted on the base unit, said base unit having two laterally opposed side walls, each with a plurality of cavities therein for receiving ~~further~~ removable cases of cosmetic products, at least one of said cavities in one of said laterally opposed side walls being identical to at least one of said cavities in the opposite laterally

opposed side wall, said identical cavities having identical internal configurations providing a secure fit and a secure closure for the same cosmetic product case ..

8. (Canceled)

9. (Previously presented) An apparatus according to claim 1 further comprising a top unit for carrying further cosmetics products.

10. (Currently amended) A portable personal communications and cosmetics apparatus according to claim 1 wherein said base unit side walls have a given depth, said base unit having a width greater than the width of said mobile phone unit, a length greater than the length of said mobile phone unit, and a tray for receiving the cosmetics products slidably mounted in said base, said tray having a depth less than said given depth, said cavities slidably receiving said tray, and ~~other of~~ said identical cavities adapted to receive the same case of an individual cosmetic product[s].

11. (Previously presented) A portable personal communications and cosmetics apparatus according to claim 1, including selected cosmetic products having screw-threaded packages, selected ones of said cavities being screw-threaded complementary to said screw-threaded packages.

12. (Currently amended) A portable personal communications and cosmetics apparatus comprising a case, and a separate mobile phone unit non-detachably mounted in said case, said case having a back coextensive in length and width with said unit, said apparatus having a recess separating the phone unit from the back of the case, and a cosmetics carrier for cosmetics products comprising a tray slidable in the hollow recess of the case and movable relative thereto between an open position for accessing the cosmetics products and a closed position, said case having two laterally opposed side walls, each with a plurality of cavities therein for receiving further removable cosmetic products, at least one of said cavities in each wall being identical to one of the cavities in the opposite wall, said identical cavities having internal configurations providing a secure fit and a secure closure for the same cosmetic product case .

13. (Previously presented) A portable personal communications and cosmetics apparatus according to claim 12, including a plurality of cavities in said case, and selected cosmetic products having screw-threaded packages, selected ones of said cavities being screw-threaded complementary to said screw-threaded packages.

14. (Canceled)

15 (Canceled)

16 (Canceled)